UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

KURT F. LUNA,)
Plaintiff, v.)) No. 3:06-0658
FORD MOTOR COMPANY, et al.,) JUDGE ECHOLS
Defendants.)

ORDER

Pending before the Court are the Report and Recommendation ("R&R") entered by the United States Magistrate Judge on February 2, 2007 (Docket Entry No. 53), Defendant Alexander Ford's Motion to Dismiss (Docket Entry No. 17), Defendant Ford Motor Company and Ford Motor Company's Employees' Motion to Dismiss for Lack of Subject Matter Jurisdiction (Docket Entry 20), Motion to Dismiss on Behalf of Defendants Ford Motor Credit Company, Jennifer Holt, and Richard Thyen (Docket Entry No. 26), and Defendant Jenkins & Wynne, Inc.'s Motion to Dismiss (Docket Entry No. 32), to which Plaintiff filed responses in opposition (Docket Entry Nos. 28 & 49). Because the *pro se* Plaintiff did not initially file a Complaint, but rather a Motion for a Preliminary Injunction Pending Filing of Complaint (Docket Entry No. 1), the Magistrate Judge recommends that Defendants' Motions to Dismiss should be denied without prejudice. The Magistrate Judge provided Plaintiff a period of twenty (20) days within which to file a Complaint. Plaintiff filed his Complaint on February 16, 2007, within the 20-day period. (Docket Entry No. 57.)

No objections to the R&R have been filed. In reviewing the R&R, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

Accordingly, because Plaintiff has now filed a Complaint, the Court rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 53) is hereby ACCEPTED.
- (2) The Motions to Dismiss filed by the Defendants (Docket Entry Nos. 17, 20, 26 & 32) are hereby DENIED WITHOUT PREJUDICE.

(3) If Plaintiff has not already undertaken steps to do so, Plaintiff is hereby DIRECTED to

serve copies of the Complaint and Summons on each Defendant in compliance with Federal Rule

of Civil Procedure 4.

(4) If Plaintiff wishes to proceed on his Motion for Preliminary Injunction, he must re-file

the Motion following entry of this Order and Defendants will then have ten (10) days within which

to respond to the Motion.

(5) "Plaintiff's Motion For Extra Ordinary Relief Under Title 28 § 1651" (Docket Entry No.

58), is hereby DENIED WITHOUT PREJUDICE. To the extent Plaintiff Luna seeks to name an

additional defendant in his Complaint, he must do so by filing an Amended Complaint (if the

amendment is made within twenty (20) days after service of the Complaint on the named defendants

and no responsive pleading has yet been filed) or, if the Complaint has been served on the named

defendants and a responsive pleading has been filed, by Motion for Leave to Amend the Complaint,

all in accordance with Federal Rule of Civil Procedure 15(a). If Plaintiff renews his Motion for

Preliminary Injunction, he may include within that renewed Motion any request for injunctive relief

which is currently contained in his Motion for Extra Ordinary Relief, and Defendants may respond

as provided in paragraph (4) above.

(6) The case is hereby returned to the Magistrate Judge for further case management.

IT IS SO ORDERED.

PORERTI ECHOIS

UNITED STATES DISTRICT JUDGE